

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

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| SHAREE SHOOK | § | PLAINTIFF |
| | § | |
| V. | § | Civil No.1:08CV330HSO-JMR |
| | § | |
| WINN-DIXIE MONTGOMERY | § | DEFENDANTS |
| LEASING, LLC, ET AL. | § | |

ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANTS' MOTION TO EXCLUDE OPINIONS
OF PLAINTIFF'S TREATING PHYSICIANS

BEFORE THE COURT is a Motion in Limine to Exclude Opinions of Plaintiff's Treating Physicians filed by Defendants on September 14, 2009 [57-1]. Plaintiff filed a Response in opposition on September 18, 2009 [65-1], and Defendants filed a Rebuttal on September 24, 2009 [69-1].

While Plaintiff's designation of experts, filed on June 30, 2009, included the names of several medical providers who provided Plaintiff treatment, there are no expert reports included with said designations. Defendants seek to limit the testimony of Plaintiff's treating physicians to "those expressed in the office records of each physician which were disclosed prior to the expiration of Plaintiff's expert disclosure deadline." Defs.' Mot. at p. 3. Defendants further seek to exclude, in its entirety, any testimony from Plaintiff's physician identified only as "Unknown Dr." in discovery. Plaintiff argues that she "made known to Defendants the medical records and findings of the [sic] her treating physicians in question." Pl.'s Resp. to Mot. to Exclude at p. 12.

Having reviewed the Motion, the other relevant pleadings on file, and the

relevant legal authorities, the Court is of the view that the medical opinions and testimony of Plaintiff's treating physicians may be relevant and admissible at the trial of this matter. Such testimony shall, however, be limited to the facts and/or opinions contained in or derived from Plaintiff's medical records. In addition, Defendants' Motion should be granted to exclude any testimony from "Unknown Dr."

IT IS, THEREFORE, ORDERED AND ADJUDGED that, for the reasons stated herein, Defendants' Motion in Limine to Exclude Opinions of Plaintiff's Treating Physicians filed September 14, 2009 [57-1], should be and hereby is **GRANTED IN PART AND DENIED IN PART** as set forth above.

IT IS, FURTHER, ORDERED AND ADJUDGED that, the portion of Defendants' Motion to Exclude any Opinions pertaining to the testimony of "Unknown Dr." should be and hereby is **GRANTED**.

SO ORDERED AND ADJUDGED, this the 11th day of January, 2010.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE